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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,174	12/18/2000	John D. Porter	MIO 0042 V2	5372

7590 04/23/2002

Killworth, Gottman  
Hagan & Schaeff, L.L.P.  
Suite 500  
One Dayton Centre  
Dayton, OH 45402-2023

EXAMINER

TRINH, MICHAEL MANH

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/740,174

Applicant(s)

PORTER ET AL.

Examiner

Michael M Trinh

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 days ~~SIX (6) MONTHS~~ FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 31-50 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

\*\*\* This office action is in response to Applicant's Pre-amendment filed on March 26, 01. Under 37 CFR 126, since claims 1-30 are original. There were no claims 31-40. Claims 1-30 were cancelled.

Accordingly, claims 41-60 are renumbered as 41-50, respectively. Renumbered claims 31-50 will address subsequently.

### *Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
  - a. Claims 31-34, drawn to a method of making a memory cell including a first and second inverter, classified in Class 438, subclass 238.
  - b. Claims 35-37, drawn to a method of making a first inverter classified in Class 438, subclass 197.
  - c. Claim 38, drawn to a method of making a memory cell including forming a well for the first and second inverter classified in Class 438, subclass 279.
  - d. Claim 39, drawn to a method of making a semiconductor device including calculating a desired distance, classified in Class 438, subclass 14.
  - e. Claim 40, drawn to a method of making a semiconductor device including forming first resistance equal a second resistance, classified in Class 438, subclass 17.
  - f. Claim 41, drawn to a method of making a memory cell including forming a first and second parasitic resistor, classified in Class 438, subclass 238.
  - g. Claim 42, drawn to a method of making a memory cell including forming a pull up transistor and a pull down transistor, classified in Class 438, subclass 210.
  - h. Claim 43-45, drawn to a method of making a memory cell including forming a first and second pull up and pull down transistor, classified in Class 438, subclass 229.
  - i. Claim 46, drawn to a method of making a SRAM device including a plurality of row and column, classified in Class 438, subclass 210.
  - j. Claim 47, drawn to a method of making a memory cell including coupling the first source to a first voltage, classified in Class 438, subclass 241.
  - k. Claim 48-49, drawn to a method of making a memory cell including forming first and second pull up and pull down transistors and coupling third source to a first voltage, classified in Class 438, subclass 200.

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1. Claim 50, drawn to a method of making a memory cell including forming a plurality of memory cells in rows and columns, classified in Class 438, subclass 587.

Currently, there is no generic claim. Group a) invention to Group l) invention are species, distinct, combination and subcombination, each from the other, each Group differently draws to different method for forming a semiconductor device. Because these inventions are species and distinct for the reasons given above and have acquired a separate status as shown by the above different classifications and as given in the above examples, the fields of search are not co-extensive and separate examination would be required, restriction for examination purposes as indicated is proper.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

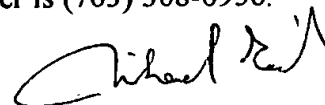
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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trinh whose telephone number is (703) 308-2554. The examiner can normally be reached on Monday through Friday, from 9:00 Am to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Whitehead Jr Carl, can be reached on (703) 308-4940. The fax phone number for this Group is (703) 305-3432 or (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

-Oasc-



Michael Trinh  
Primary Examiner